



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date:	July 10, 2007
Land Use Action Date:	T.B.D.
Board of Aldermen Action Date:	September 17, 2007
90-Day Expiration Date:	October 8, 2007

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Chief Planner
Robert Merryman, Senior Planner

SUBJECT: Petition #219-97(2) of PHILIP AND ANDREA BOUCHER requesting a SPECIAL PERMIT/SITE PLAN APPROVAL for relief from FAR (Floor Area Ratio) and an amendment of the site plan approved in Board Order #219-97 Condition #1 in order to eliminate parking in the rear of the lot as required, but not implemented, to allow the petitioners to keep parking two cars in tandem on two existing driveways and allow construction of a family room addition and basement entrance at the rear of an existing two-family dwelling at 50-52 WEST STREET, Nonantum, MA, Ward 1, Section 14, Block 12, Lot 13(A) containing 6,600 square feet in a Multi Residence 2 District.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

The petitioners are seeking a special permit to exceed the maximum FAR of 0.4 (0.44 is proposed) in order to construct a 288 sq. ft. family room addition and covered basement entrance to the rear of an existing two-family dwelling. The site is subject to a special permit granted in August 11, 1997 (B.O. #219-97) as well as Zoning Board of Appeals (ZBA) variance #11-97 as amended by ZBA variance #24-97.

BACKGROUND

In 1997, the petitioners first prepared plans for a two-family dwelling that would have exceeded the *then new FAR requirement* of 0.45. Further amendments to the City's Zoning Ordinance were subsequently approved by the Board of Aldermen to change the FAR requirement to 0.4 and removed attics from the FAR calculation.

An initial variance, approved by the ZBA (decision #11-97), from the dimensional requirements of Section 30-15 Table 1 for lot frontage, lot area and lot area per unit, approved the subdivision of a then 13,200 sq. ft. lot to maintain the existing single-family dwelling at 44 West Street and allowing for the construction of a new two-family dwelling on the newly created lot at 50-52 West Street. This ZBA decision included a condition that all of the proposed off-street parking be placed at the rear of the 50-52 West Street site (behind the proposed new two-family dwelling). This condition required the petitioners to return to the Zoning Board of Appeals to request a waiver from the open space requirements of the Ordinance. A second variance was approved by the ZBA (decision #24-97) for a variance to open space requirement, but again was conditioned on all of the proposed off-street parking being placed in the rear of the site.

At the same time, the petitioners discovered that another recent change to the City's Zoning Ordinance (Ordinance V-91 – "Build Factor," which was approved on September 16, 1996) required approval from the Board of Aldermen for a special permit. The Board of Aldermen approved the request for special permit on August 11, 1997 (B.O. #219-97) that included a site plan, that although different from that approved by the ZBA, still located the proposed off-street parking at the rear of the site.

As noted by the Chief Zoning Code Official, the petitioners have not complied with either approved site plan (by the Board of Aldermen or by the Zoning Board of Appeals), which required all four off-street parking stalls to be constructed within the rear yard at 50-52 West Street. (*SEE PLANS IN ATTACHMENT "A Y*

II. ELEMENTS OF THE PETITION

The petitioners are proposing to construct a one-story 288 sq. ft. addition to the rear of one of the units of the existing two-family dwelling, which is subject to variances granted by the Zoning Board of Appeals (decision #11-97, as revised by decision #24-97) and a special permit (B.O. #217-97). The subject lot has received variances or special permits for lot frontage, lot area, lot area per unit, open space, and "Build Factor." The proposed new addition to the two-family dwelling now requires further relief, *as* the current plan does not meet the Floor Area Ratio (FAR) requirements of 0.40.

Should the Board of Aldermen approve the requested increase in Floor Area Ratio (FAR), based upon the submitted plans, the Board would also need to amend the prior condition of B.O. #219-97 that the parking be located in the rear of the lot. The petitioners may need to apply for amendments to change or eliminate the Zoning Board of Appeals condition in decision #11-97, which also contain conflicting parking plans.

The Planning Department notes that the submitted architectural plans depict a family room that will be 12 x 20 ft. and a basement access of 12 ft. x 4 ft., while the surveyed site plan depicts a family room of 12 ft. x 18 ft. *Prior to or at the public hearing, the petitioners should clarify the sizes of the components of the proposed project and should provide a set of plans that are consistent with each other.*

HI. ZONING RELIEF BEING SOUGHT

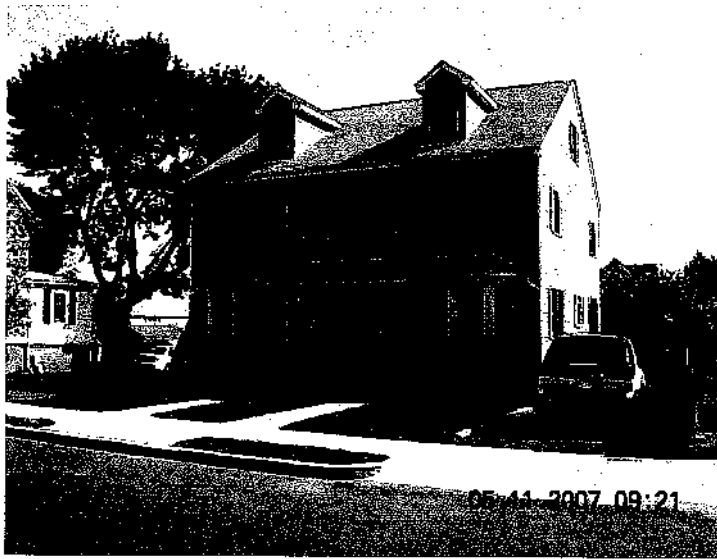
The City's Chief Zoning Code Official (CZCO) has completed his review of this application and a copy of his memorandum, dated May 9, 2007 (SEE ATTACHMENT '13, is attached In accordance with his review, the petitioners are seeking approval through or relief from the following sections of the City's Zoning Ordinance:

- > Amendment to Board Order # 219-97 condition #1 to eliminate parking in the rear of the site and replace with tandem parking within driveways, two spaces for each unit, located on either side of the two-family residence;*
- > Section 30-15 Table 1 footnote 5 allows the Board of Aldermen to grant a special permit in accordance with Section 30-24 in a Multi-Residence District for an increase in Floor Area Ratio, if the proposed structure is compatible with the character of the neighborhood; and*
- > Section 30-23, for Site Plan Approval; and*
- > Section 30-24, for a Special Permit*

IV. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board should consider the following:

- ♦ Whether the expanded structure, the increased FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood to grant the Special Permit;*
- ♦ Whether the additional relief being requested, on top of the other waivers and variances granted for this site, is consistent with the intent of the Zoning Ordinance, and whether the additional waiver to the FAR will have an adverse impact on the abutting residents and/or surrounding neighborhood; and*
- ♦ Whether the amendment to previous approved Board Orders and ZBA variances, to allow for tandem parking along the sides of the structure vs. in the rear of the site, is appropriate for meeting the parking requirements this two-family residence.*



PICTURES FROM THE NORTH & SOUTH SIDES & DOWN THE STREET

V. CHARACTERISTICS OF THE SITE. AND NEIGHBORHOOD

A. Site

The subject site is located at 50-52 West Street, Nonantum, and contains approximately 6,600 sq. ft. of lot area in a Multi Residence 2 District. The site was subdivided from the 44 West Street in 1997 (ZBA variances, previously mentioned) and a two-family dwelling was built on 50-52 West Street. The existing single-family dwelling at 44 West Street remains on a separate lot. This petition includes a rear addition to one of the two units at 50-52 West Street that, as constructed, appears to conflict with past decisions by the City's Zoning Board of Appeals and Board of Aldermen.

B. Neighborhood

The neighborhood is comprised of single-, two- and three-family dwellings, townhouses and the remains of an automotive junk yard. The entire neighborhood is within the Multi Residence 2 District.

V. ANALYSIS

B. Dimensional Controls — Section 30-15

The following table compares the requirements for a two-family dwelling within a Multi-Residence 2 District to the technical requirements established in Section 30-15, Table 1:

	Ordinance	Existing two-family dwelling	Proposed addition
Min. lot size	10,000 sq. ft	<i>6,600 sq. ft</i>	<i>6,600 sq. ft.</i>
Min. lot area per unit	5,000 sq. ft.	<i>3,300 sq. ft</i>	<i>3,300 sq. ft.</i>
Min. Frontage	80 ft.	<i>60 ft.</i>	<i>60. t.</i>
Setbacks			
Front	25 ft.	25 ft.	25 ft.
Side (west)	10 ft.	12 ft.	12 ft.
Side (east)	10 ft.	12 ft.	12 ft.
Rear	15 ft.	49 ft.	37 ft.
Max. Building height	30 ft.	29 ft.	15.5 ft.
Max. # of stories	2 1/2 stories	2'A stories	(proposed addition)
Max. Floor Area Ratio (FAR)	.4	0.382	1 story (addition)
			0.436
Max. Bldg. Lot Coverage	30%	22 %	26 %
Min. Open space	50%	54.7 %	53.5%

As shown in the table above, the existing building and proposed addition complies with all the existing dimensional controls and with the prior approved variances to the minimum lot area (for a two-family dwelling), minimum lot area per unit, and minimum frontage requirements (ZBA Decisions #11-97 and #24-

97). However, with the proposed 288 sq. ft. addition, the petitioner will need a waiver to the maximum permitted FAR. It is worth noting that since the petitioners did not comply with the previously approved site plans, which required parking in the rear, the current site currently complies with the Open Space requirement. The Planning Department and the Law Department believes that the variance to the Open Space requirement, granted through ZBA decision #24-97, was never acted upon.

The FAR requirement was added to the Zoning Ordinance to provide a mechanism to prevent the construction of structures that could overwhelm abutters and create structures that would be incompatible in size, height, and/or bulk with other structures in the surrounding neighborhood. As previously mentioned, *the Board of Aldermen may approve a request for FAR greater than the maximum IF the proposed structure is compatible with the character of the neighborhood At the public hearing, the petitioners should be expected to present any information they may have on the Floor Area Ratio of abutting structures to explain how their expanded structure would be compatible in size, height, and/or bulk with other structures in the surrounding neighborhood*

C. Parking Ordinance – Section 30-19

The following compares the proposed parking against the parking requirements for a two-family dwelling, per Section 30-19:

	<i>REQUIRED</i>	<i>EXISTING</i>	<i>PROPOSED</i>
Min. Number Stalls	2 stall/dwelling unit	4 surface spaces, of which 2 are tandem	4 surface spaces, of which 2 are tandem
Min. Setbacks			
Front	25 ft.	22 ft.	22 ft.
Side	10 ft.	2 ft.	2 ft.
Rear	0 ft.	49 ft.	49 ft.
Min. Stall Length	19 ft.	19 ft.	19 ft.
Min. Stall Width	9 ft.	10 ft.	10 ft.
Entrance/Exit Driveway Width	12 ft. min; 20 ft. max.	10 ft.	10 ft.

The Chief Zoning Code Official has determined that the proposal meets all of the requirements of the Parking Ordinance. A determination has been made that Section 30-19(d)(1) supercedes Section 30-19(g)(1), and, in this case, allows two parking stalls per unit within the side yard setback and allows tandem (stacking of) parking (*SEE ATTACHMENT "B"*).

D. Relevant Site Plan Approval Criteria

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.

The petitioners are requesting an amendment to the previous Special Permit to allow them to maintain the current parking layout that has been in place for approximately 10 years.

The Planning Department believes that the parking areas as they now exist are safe and more than adequate to accommodate the limited traffic volumes that are generated by the vehicles associated with this two-family dwelling. The parking layout, with the tandem parking, should not adversely impact pedestrian movements. Further, this parking layout allows for more open space on-site than on the previously approved site plans.

2. Adequacy of the methods for regulating surface water drainage

The Associate City Engineer has reviewed the proposed project and notes that in accordance with the Department of Public Work Drainage Policy, lots up to 10,000 square feet are allowed to add up to 400 sq. ft. of impervious surfaces without any on-site drainage improvements. As such, no drainage improvements are required. (*SEE ATTACHMENT "C"*)

3. Screening of parking areas and structures on the site from adjoining premises or from the street

The petitioners have submitted a landscape plan that depicts existing foundation plantings and fencing along the southern driveway and at the end of the northern driveway. The existing landscaping is well maintained and the screening appears to be in keeping with the neighborhood.

4. Consideration of site design, including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines

Based on the submitted plans, it appears that the petitioners are proposing to use vinyl siding and shingles on the one story (shed roof) addition that will match the existing structure. The Planning Department would recommend that any approval be conditioned on the siding and roof shingles matching the existing two-family dwelling.

With respect to the scale of the expanded structure, the Board may grant the waiver to the FAR as long as the structure is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. ***At the public hearing, the petitioners should be expected to provide information on how their expanded structure, with the increased FAR, compares with the FAR (i.e. size, scale, etc) of properties within the surrounding neighborhood.***

E. Relevant Special Permit Criteria – Section 30-24

1. The specific site is an appropriate location for such use / structure

The petitioners plan includes a one-story 288 sq. ft. addition to the rear of one of the units at 50-52 West Street (unit where petitioners reside). Past approvals by the Zoning Board of Appeals and Board of Aldermen allowed the subdivision of one lot into two, which are nearly compatible in size to neighboring lots, retained the existing single-family dwelling at 44 West Street on Lot 13B, and permitted construction of a two-family dwelling on the new Lot 13A.

Although the site appears to an appropriate location for a two-family dwelling, the Board should consider whether a waiver to the maximum permitted FAR would be consistent with the mass and scale of other structure in the surrounding neighborhood. In addition, the Board should consider whether an additional waiver to the dimensional controls is appropriate for this site and is in-keeping with the intent of the Zoning Ordinance.

With respect to the parking configuration, the existing parking layout appears to have existed, with little, if any, issues, for approximately 10 years. With the current layout, the petitioners appear to have sufficient parking for the two units while maintaining more open space than on the previously approved plans.

2. The use as developed and operated will not adversely affect the neighborhood.

While the two-family use appears to be consistent with the neighborhood, the Board should consider whether the expanded structure, with the increased FAR, would be appropriate in the context of the existing structures in the surrounding neighborhood.

With respect to the amendment to previously approved site plans related to the parking configuration, the current tandem parking appears to have existed for years without incident and the Planning Department does not believe this has any adverse affect on the neighborhood.

VI. SUMMARY

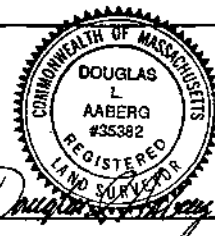
The petitioners are seeking a special permit to exceed the maximum FAR of 0.4 in order to construct a one-story 288 sq. ft. addition onto the rear of the one of the units of the existing two-family residence at 50-52 West Street. The proposed FAR is 0.436.

The subject property is governed by variance granted by the Zoning Board of Appeals (decision #11-97) and a special permit (B.O. #217-97). Through these decisions, the subject lot has received variances or special permits for a reduction in the minimum lot frontage, minimum lot area requirement for a two-family dwelling, minimum lot area per unit, and "Build Factor." As previously noted, the petitioner had not constructed the parking in the rear of the structure, as required by both the Special Permit and latest ZBA decision. With the current layout, parking cars in tandem, on either side of the structure, it appears that the variance for open space, granted through ZBA decision #24-17, which was not acted upon

within the one year requirement, will have no effect should the Board and ZBA approve this amended site plan.

Floor Area Ratio is tool included in the City's Zoning Ordinance to control the negative effects of large new structures that maximize the square footage, while changing the character of certain neighborhoods. In this situation, the existing physical features of this lot do not appear to be adversely affected by the proposed change, *however, at the public hearing the petitioner should be expected to provide information as to how the expanded structure will fit with the existing mass, scale and bulk of the structures within the surrounding neighborhood*

WEST STREET
NEWTON MASS.



DATE: MARCH 31, 1999

1. THIS PLAN IS TO ACCOMPANY PETITION OF YOLANDA T. BOUCHER, 44 WEST STREET, NEWTON, MA.
DEED REFERENCE: BK 15475 PG. 593
2. ASSESSORS : SECTION 14, BLOCK 12, LOT 13
TOTAL SF=13,200
3. LOT 1 AND LOT 2 ARE A SUBDIVISION OF LOT 40 AS SHOWN ON PLAN RECORDED WITH THE MIDDLESEX SOUTH DISTRICT
REGISTRY OF DEEDS IN PLAN BOOK 15 PLAN #55.

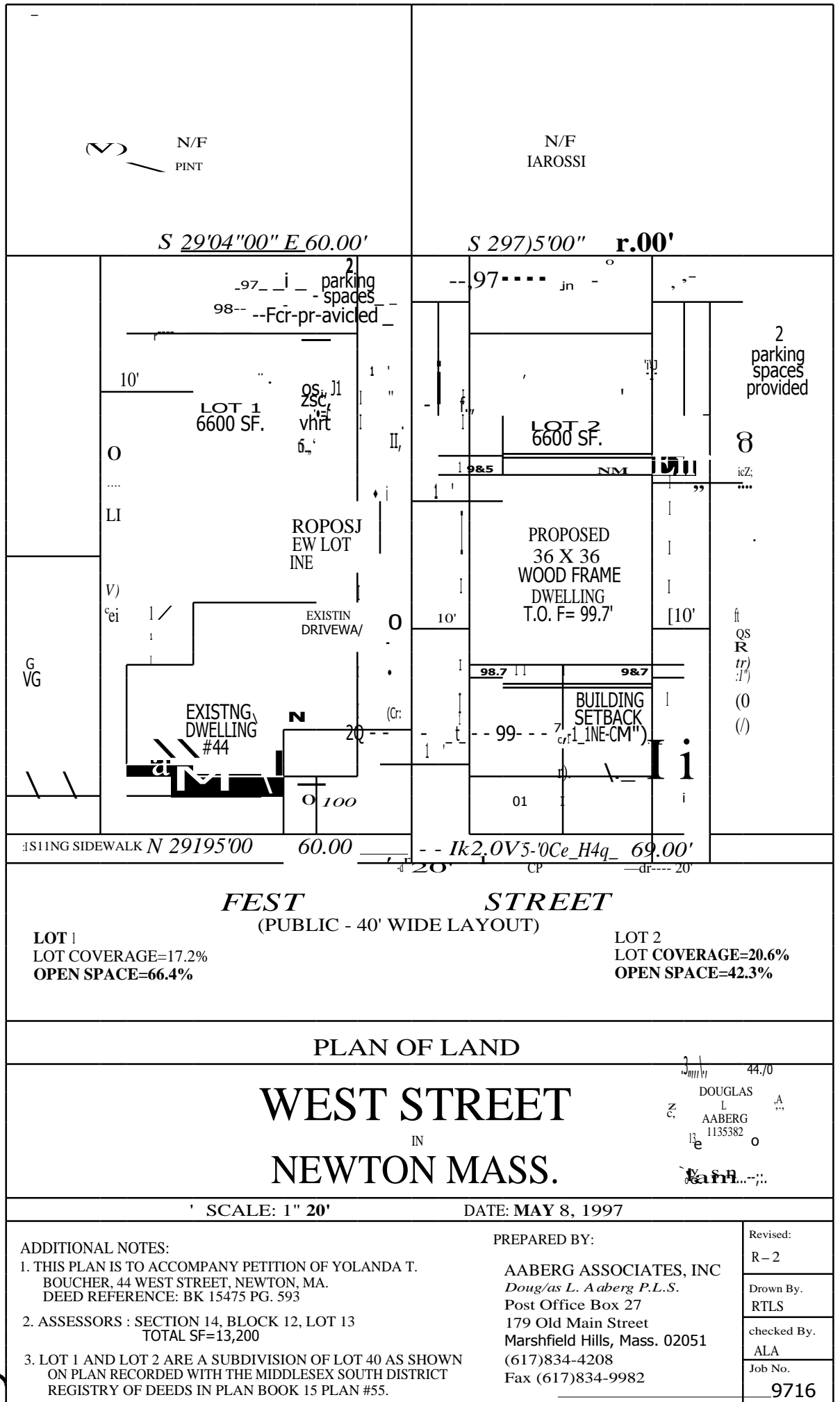
AABERG ASSOCIATES, INC.
Douglas L. Aaberg P.L.S.
Post Office Box 27
179 Old Main Street
Marshfield Hills, Mass. 02051
(617)834-4208
Fax (617)834-9982

Job No.

971

ZBA

#11-97
(ORIGINAL)



ZBA
#24-97
(AMENDED)
SITE PLAN

EXISTING CHAIN LINK FENCE
S 29r5'00" E 500'

r

EXISTING
HEDGE
LINE

LOT 2
6600 SF.

N/F
AMENDOLA
6600 SF

N/F
bELACANDRO
19800 SE

PROPOSED
36 X 36
WOOD FRAME
DWELLING

EXISTING
OWNERS

WAST

(PUBLIC -- 40 'NIDE L 'CUTr)

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05 STREET

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tOT
LOT COVERAGE=20.6%
CPEN SPACE=49.7%..

ADDITIONAL N.OT:p:

1. THIS PLAN IS WASIDPREPARED FOR YOLANDA T. BOUCHER, 44 WEST STREET, NEWTON, MA, DEED REFERENCE, BICE 15475 PG. 59.3 ..
2. ASSESSORS SECTION 14, BLOCK 12, LOT 13
TOTAL SF=10,200
3. LOT 1 AND LOT 2 ARE A- SUBDIVISION OF LOT 40 AS SHOWN ON PLAN RECORDED WITH 11X1 MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS IN PLAN BOOK 155.

Sod & 1 20 ft

B.O 21 (1--/7

REVISÉD · SITE PLANT

WEST STREET
IN
NEWTON, MASS.

SCALE: 1"=20' -

DATE: JULY 8, 1997



AABERO, ASSOCIATES,. INC.'

Post Office
• 179.0 diigir -tt-i-eet
Morshf>s'd Hills: MoSs:- 02.151
(61 7)834-208
Fox (517)834-9952

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RTLS
Chect:e.d
DLA :-

Job No. 9716

Zoning Review Memorandum

Dt: May 9, 2007

To: Philip and Andrea Boucher

CC: Michael Kruse, Director, Department of Planning and Development
John Lojek, Commissioner of Inspectional Services

Fr: Juris Alksnitis, Chief Zoning Code Official



Re: Request to exceed Floor Area Ratio limit, amendment of related variances and board order.

Applicant(s): Philip and Andrea Boucher

Site: 50 West St.

SBL: Section 14, Block 12, Lot 13A

Zoning: Multi-Residence 2

Lot Area: 6,600 sq. ft.

Current use: Two-family dwelling

Prop. use: Two-family dwelling

Background:

The subject 2F dwelling was constructed per Building Permit #5149-1450, issued 10/16/97. Previously, the owners had received variances #11-97 and #24-97, along with Board Order #219-97 governing the development of this lot. The applicants now seek to build a family room addition and basement entry to the rear of their unit. As a result, cumulative FAR would exceed the available FAR of 0.4 in the MR-2 zone. In addition, the project would alter plans previously approved by the Board of Aldermen and the Zoning Board of Appeals. Section 30-15, *Tablet, Density & Dimensional Controls in Residence Districts and for Residential Uses*, Footnote 5 provides that FAR may be exceeded subject to special permit and subject to a determination that such increase does not adversely affect the neighborhood. Alteration of previously approved plans necessitates Board of Aldermen and Zoning Board of Appeals review and approval, respectively.

Administrative determinations

1. The subject property is a lot created after December 7, 1953 pursuant to relief granted under variance ZBA #11-97, April 29, 1997, and is subject to post-1953 dimensional controls applicable to a lot in the MR-2 zone except as provided under the variance. ZBA #11-97 allowed the creation of the lot as shown on submitted plans, having a lesser lot area, frontage, and lot area per dwelling unit than otherwise required. Condition #2 required "That the parking be provided in the rear of the proposed dwelling." Subsequently, the applicant returned to the ZBA for additional relief requesting the location of tandem parking along each sideline rather than in the rear yard. While the tandem scheme met the minimum open space requirement of 50%, two alternative rear yard parking schemes did not. By grant of variance #24-97 recorded with the City Clerk August 18, 1997, the ZBA approved the rear yard parking alternative described on "Plan

of Land, West Street, in Newton, Mass.", designated R-2, prepared by Aaberg Associates, Inc., dated May 8, 1997. This plan granted a variance reducing open space to 42.3%.

2. Except as otherwise granted by variances #11-97 and #24-97 discussed above, Section 30-15, *Table 1, Density & Dimensional Controls in Residence Districts and for Residential Uses (Table 1)*, and Section 30-15(p) respectively require compliance with the applicable density and dimensional controls and build factor for new lots in the MR-2 zone. It appears that in 1997, the applicant filed petitions both with the ZBA and the Board of Aldermen, which were addressed more or less concurrently. While the initial petition to the Board of Aldermen requested multiple reliefs, several were addressed by other means, and only one relief pertaining to Build Factor remained. As the subject lot exceeded the Build Factor limit of 20 applicable in MR zones, the applicant needed Board of Aldermen approval pursuant to Section 30-15(p). Board Order #219-97, August 11, 1997, approved the larger build factor and made the project subject to Condition #1, which specified development in accordance with "Revised Site Plan, West Street, Newton, Mass.", prepared by Aaberg Associates, Inc., dated July 8, 1997. The proposed rear parking configuration required by this plan differed from sheet R-2 referenced in section 1., above. Currently submitted plans indicate that as-built conditions do not meet the parking configuration of either the ZBA-approved plan or the Board of Aldermen-approved plan. No parking has been provided to the rear of the dwelling, but is instead located within the driveways along each side.
3. While the existing dwelling currently meets the requirements of Table 1, the proposed rear addition will increase the FAR from 0.39 to 0.44, exceeding the 0.4 limit applicable in the MR-2 zone. Table 1, *Footnote 5* provides that FAR may be exceeded subject to special permit and subject to a determination that such increase "...is not in derogation of the size, scale and design of other structures in the neighborhood." As no information has been provided regarding FAR and gross floor area of immediately abutting properties, or the neighborhood in general, the applicant may wish to provide such information for consideration by the Board in its deliberations pursuant to Table 1, Footnote 5.
4. It is noted that although prior variance ZBA #24-97 granted a reduction in open space to 42.3%, as the rear parking was not constructed per plan, existing open space on the currently submitted plan is indicated as 54.7%. With the proposed addition, the plan data indicates open space will be reduced to 53.5%, which exceeds the Table 1 minimum of 50%. As a result, no relief is needed for this parameter.
5. As noted above, rear parking was previously required under ZBA variances #11-97 and #24-97. Certain parking layouts were authorized pursuant to separate plans approved per variance #24-97 and by special permit issued per Board Order #219-97, respectively. The proposed addition is located in an area previously required for parking raising a conflict with authorized plans. In order to build the new addition as now proposed, the rear parking requirement would need to be eliminated, necessitating amendment of the referenced variances and special permit. The rear parking requirements in ZBA variances #11-97, Condition #2, and #24-97, Condition #1 would need to be removed. Also, the BO# 219-97, Condition #1 plan of record as well as the variance #24-97 plan of record would need to be amended altering the previously required parking layouts and authorizing a new layout.

6. Section 30-19(d)(1), *Number of Parking Stalls*, and 30-19(g), *Parking Facilities Containing Five Stalls or Less*, establish the applicable parking layout standards for a two-family dwelling. Although parking spaces are not drawn on the submitted plan, it appears that two tandem spaces are contemplated within each driveway, and are located partially within the side setbacks and front setback on each side, respectively. Section 30-19(d)(1) allows two tandem spaces per unit in a two-family dwelling to be located within the side setback. In addition, 30-19(g)(1) allows one space per unit in a two-family dwelling to be located within both the side setback and front setback, but no closer than five feet to the street. Both driveways are of sufficient dimension to accommodate two standard 9 ft. x 19 ft. parking spaces meeting the placement requirements noted above. In addition, Section 30-19(g)(3) requires that an entrance/exit drive be a minimum 12 ft. wide. Although the drives are only 10 ft. wide, the narrower width is considered approved per the plan approved under BO #219-97 and viewed as a waiver pursuant to Section 30-19(m).
7. Architectural plans lack the respective stamp and signature of a registered professional preparing the plans and certifying required calculations and dimensions. The applicant is responsible for providing stamped and signed plans not later than at the time of filing the petition with the Clerk of the Board of Aldermen.
8. See "Zoning Relief Summary" below.

Ordinance	Zoning Relief Summary	
	Building	Action Required
30-15, Table 1 Fn5	Approval to increase FAR to 0.44 exceeding the FAR 0.4 limit in the MR-2 zone.	X
	Site	
30-23	Approval of revised site plan, including new addition and revised parking.	X
	Parking	
BO#219-97 Cond. 1	Amend site plan to eliminate rear parking (4 spaces) and replace with tandem parking within driveways, 2 spaces on each side.	
	Nonconformity	
	N/A	N/A
	Special Permit	
BO#219-97 Cond. 1	Amend Condition 1 incorporating such revised site plan eliminating rear parking and authorizing rear addition as may be approved by the Board of Aldermen.	X
30-24(d)	Approval of special permit to increase FAR above 0.4 to 0.44.	X
	Variances	
ZBA#11-97 Cond. 2	Amend Condition 2, deleting rear parking requirement.	X
ZBA#24-97 Cond. 1	Amend Condition 1, deleting rear parking requirement.	X
ZBA#24-97 Cond. 1	Amend Condition 1, incorporating such amended site plan as may be approved by the ZBA.	X

Plans and materials reviewed:

- ZBA Variance #11-97, Detailed Record of Proceeding and Decision and accompanying plans.
- ZBA Variance # 24-97, Detailed Record of Proceeding and Decision and accompanying plans.
- Board Order #219-77, August 11, 1997, and accompanying plans.
- Building Permit #5149-1450, issued 10/16/97
- Plan titled "Area Plan of Land, 50 West Street in Newton, MA", dated March 19, 2007, prepared by Aaberg Associates Inc., Professional Land Surveyors, 80 Washington St., Unit C-17, Norwell, MA 02061, stamped and signed by Douglas L. Aaberg, Professional Land Surveyor.
- Plan titled "Proposed Addition Plan, 50 West Street in Newton, MA", dated March 19, 2007, prepared by Aaberg Associates Inc., Professional Land Surveyors, 80 Washington St., Unit C-17, Norwell, MA 02061, stamped and signed by Douglas L. Aaberg, Professional Land Surveyor.
- Plan set titled "Boucher Residence, 50 West St., Newton, MA", dated 12/15/06, prepared by Wellington Construction Corp., Stow, MA bearing no stamp or signature of a registered professional, consisting of the following:
 - Rear Elevation
 - Side Elevation
 - Floor Plans
 - Section

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit — 50 West Street

Date: July 2, 2007

CC: Lou Taverna, PE City Engineer (via email)
Nancy Radzevich, Chief Planner (via email)
Linda Finucane, Associate City Clerk (via email)
Bob Merryman, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

50 West Street- Proposed Addition Plan
Newton, MA
Prepared by: Aaberg Associates, Inc.
Dated: March 19, 2007

Drainage:

- In accordance to the Department of Public Work Drainage Policy, lots up to 10,000 square feet are allowed to add up to 400 square feet of impervious surfaces without any on-site drainage improvements, hence this proposal has a total new impervious area of $12' \times 18' = 216$ square feet therefore no drainage improvements are required.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.